



Vietnam

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor
March 31, 2003

Vietnam is a one-party state, ruled and controlled by the Vietnamese Communist Party (CPV). The CPV's constitutionally mandated leading role and the occupancy of all senior government positions by party members ensured the primacy of party Politburo guidelines and enabled the Party to set the broad parameters of national policy. In recent years, the Party gradually reduced its formal involvement in government operations and allowed the Government to exercise significant discretion in implementing policy. The National Assembly remained subject to party direction; however, the Government continued to strengthen the capacity of the 498-member National Assembly and to reform the bureaucracy. The National Assembly, chosen in May elections, in which most candidates were approved by the Party (approximately 90 percent of delegates were party members) played an increasingly independent role as a forum for local and provincial concerns and as a critic of local and national corruption and inefficiency. The Assembly was active in revising legislation, criticizing officials' performance, and screening ministerial and other senior candidate appointments. The judiciary remained subservient to the CPV and to external pressure and government influence.

The military services, including the border defense force, were responsible for defense against external threats. The military forces assumed a less prominent role as the ultimate guarantor of internal security, which primarily was the responsibility of the Ministry of Public Security (MPS). However, in some remote areas, the military forces were the primary government agency, providing infrastructure and all public safety functions, including maintaining public order in the event of civil unrest. Since 2001 the military has played a large role in the Central Highlands by enforcing restrictions on gatherings, by detaining individuals, and by enforcing travel restrictions. The MPS controlled the police, a special national security investigative agency, and other units that maintained internal security. The MPS enforced laws and regulations that significantly restricted individual liberties and violated other human rights. It also maintained a system of household registration and block wardens to monitor the population, concentrating on those suspected of engaging, or being likely to engage in, unauthorized political activities. However, this system has become less obvious and pervasive in its intrusion into most citizens' daily lives. Members of the public security forces committed numerous human rights abuses.

The country of approximately 80 million persons is undergoing transition from a wholly centrally planned economy to a "socialist-oriented market economy." The GDP growth for 2001 was 4.8 percent. In 2001 inflation increased primarily due to an increase in food prices, approximately 2.9 percent. Agriculture, forestry, and fishery employed 62.5 percent of the labor force, and accounted for 23.6 percent of total output. Industry and construction contributed 37.8 percent, while services accounted for 38.6 percent. During the year, official development assistance was over \$1.5 billion, roughly 5 percent of GDP. Overall poverty levels decreased significantly; approximately 37 percent of the population live below the poverty line although only 15 percent live below the food poverty line. Particularly in Ho Chi Minh City (HCMC) and Hanoi, economic reforms have raised the standard of living and reduced party and government control over, and intrusion into, citizens' daily lives. However, many citizens in isolated rural areas, especially members of ethnic minorities in the northern uplands, Central Highlands, and the central coastal regions continued to live in extreme poverty. There was a growing income/development gap between urban and rural areas and within urban areas. Employment opportunities were lacking; 25 million persons were underemployed or unemployed.

The government's human rights record remained poor, and it continued to commit serious abuses. Police sometimes beat suspects during arrests, detention, and interrogation. Several sources also reported that security forces detained, beat, and were responsible for the disappearances of numerous persons during the year. Incidents of arbitrary detention of citizens, including detention for peaceful expression of political and religious views, continued. Prison conditions remained harsh, particularly in some isolated provinces, and some persons died as a result of mistreatment in custody. Prisons reportedly required inmates to work for little compensation and no wages. The judiciary was not independent, and the Government denied some citizens the right to fair and expeditious trials. The Government continued to hold a number of political prisoners. Although the Government amnestied over 9,500 prisoners during the year, it was unknown whether any political or religious prisoners were among them. The Government restricted citizens' privacy rights, although the trend toward reduced government interference in the daily lives of most citizens continued. The Government significantly restricted freedom of speech, the freedom of the press, freedom of assembly, and freedom of association. The Government continued its longstanding policy of not tolerating most types of public dissent and stepped up efforts to control dissent on the Internet. Security forces continued to enforce unusually strict restrictions on public gatherings and travel in some parts of the country. Unusual restrictions on public gatherings and travel primarily pertained to the Central Highlands and the Northwest Highlands.

The Government allowed elected officials and ordinary citizens in approved forums somewhat greater freedom of expression and freedom of assembly to express grievances. The Government prohibited independent political, labor, and social organizations; such organizations existed only under government control. The Government restricted freedom of religion and operation of religious organizations other than those approved by the State. Some Buddhists, Hoa Hao, and Protestants, in particular, faced harassment by authorities. The Government imposed some limits on freedom of movement of particular individuals whom it deemed threatening to its rule. Access to the Central Highlands by foreign observers improved from 2001, but travel to and within the area remained more restricted than most other parts of the country. The Government continued to restrict significantly civil liberties on grounds of national security and societal stability. Although the CPV continued its efforts to strengthen the mechanism for citizens to petition the Government, authorities continued to deny citizens the right to change their government. The Government did not permit human rights organizations to form or to operate. Violence and societal discrimination against women remained problems. Child prostitution was a problem. Government and societal discrimination against some ethnic minorities continued to be problems. The Government restricted some core worker rights, such as freedom of association, although the Government cooperated with the International Labor Organization (ILO) and international donors to improve implementation of the existing Labor Law. There were reports that children worked in exploitative situations. The Government recognized child labor as a problem and attempted to address it. Trafficking in women and children for the purpose of prostitution within the country and abroad continued to be serious problems, and there were reports of the trafficking of women to China and Taiwan for arranged and forced marriages.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

Arbitrary and Unlawful Deprivation of Life

During the year there were reports of killings by authorities. In January local newspapers reported that Khong Van Thoi, who was suspected of attacking the home of a village police chief with a grenade, was tortured to death while in police custody in Vinh Phuc Province. Two police officers were charged in Thoi's death and were awaiting trial at year's end. On September 10, a prison inmate in Hai Duong Province, Pham Van Dung died enroute to a medical facility after two prison guards stabbed him and then bound him for 2 hours. At year's end, the guards were reportedly suspended and under investigation (see Section 1.c.).

b. Disappearance

During the year there were credible reports of persons who were either arrested or detained and then possibly released; however, these persons reportedly did not return to their families (see Section 1.b.).

In July a United Buddhist Church of Vietnam (UBCV) monk, Thich Tri Luc, who had fled to Cambodia reportedly was forced to return to the country. His whereabouts were unknown at year's end.

On August 28, according to a credible report, in M'Drak district, Dak Lak Province, police confronted 120 villagers attempting to prevent the detention of an ethnic minority Protestant pastor, Y Su Nie, and his two adult sons. After a confused altercation in which police shot one villager in the foot, the police arrested all 120 persons. Most of those who were arrested were released after a few days, but 20 to 30 of the villagers did not return to their villages. Police reportedly did not acknowledge detaining them. On August 28, the 3 individuals police attempted to detain reportedly escaped. At year's end, their status was unknown, although police reported that they had detained Y Su Nie and one other person on October 24 (see Section 1.d.).

Also in late August in Dak Lak, there were reports that the police detained 240 persons at a house church meeting. Most of the detained were released within a few days, but 47 persons allegedly did not return to their families. Police did not admit to having detained them.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits physical abuse; however, police sometimes beat suspects while in the process of arresting them or while they were in custody.

On August 26, according to a news report, an inmate at a prison in Hai Duong province was beaten by two guards and subsequently taken to a provincial health facility where he was treated for his injuries.

In 2001 in the course of suppressing ethnic unrest in the Central Highlands, security personnel reportedly responded to instances of violent demonstrations with beatings, tear gas, water cannons, and electric prods to put down the demonstrators (see Section 2.b.).

Prison conditions were harsh, but generally did not threaten the lives of prisoners. However, in January news reports disclosed that a prisoner was beaten to death during interrogation in Vinh Phuc Province. In January the Government investigated the two policemen suspected of torturing the prisoner to death. On September 10, one prisoner died after two prison guards stabbed

him repeatedly, tied him up, and left him exposed to the sun for 2 hours in over 100 degree Fahrenheit heat (see Section 1.a.). An official from the Supreme People's Procuracy, in comments to journalists, admitted systematic beatings and overworking of inmates occurred at Hoang Tien prison, which previously was listed among the most meritorious prisons under the management of the Ministry of Public Security.

Men and women were housed separately in prisons. Juveniles were housed separately from adult populations. Overcrowding, insufficient diet, and poor sanitation remained serious problems in at least some, and probably most, prisons.

Some inmates punished with solitary confinement were stripped and locked in a small windowless shed for days or even weeks at a time. They were given one small bowl of rice for lunch and dinner and a single bucket of water each day. Other forms of solitary confinement were less harsh.

Conditions in pretrial detention reportedly were particularly harsh, and there were credible reports that authorities sometimes denied inmates access to sunlight, exercise, and reading material. The pretrial detention system provided few rights. Prisoners awaiting trial and remaining "under investigation" sometimes experienced harsher conditions than those who were convicted and sentenced. Most prisoners had access to basic health care. Some political and other prisoners were denied visitation rights. Prisoners generally were required to work, but received no wages (see Section 6.c.). Prisoners sentenced to hard labor complained that their diet and medical care were insufficient to sustain good health, especially in remote, disease-ridden areas. Although political and religious prisoners often were held under harsh conditions and with limited medical care in remote prisons, such as Z30a at Xuan Loc in an isolated part of Dong Nai Province, there was no evidence to suggest their conditions were significantly different than those for the regular prison population.

During the year, the Government permitted selected diplomatic observers to visit two of its prisons on at least two occasions. It also permitted foreign officials to investigate prison labor conditions. The Government did not allow the ICRC to visit prisoners.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views. In addition, during the year there were reports of several persons who either were arrested or detained and then possibly released; however, these persons reportedly did not return to their families (see Section 1.b.). The Criminal Procedure Code provides for various rights of detainees, including the right of the accused to have a lawyer present during interrogation; however, in practice the authorities sometimes ignored these legal safeguards. Moreover, a directive on administrative probation gives security officials broad powers if they believe that a suspect is a threat to "national security."

The Criminal Procedure Code places a 12-month time limit on investigative detention. It also limits the time a judge's panel (a body consisting of at least one judge and one lay assessor) has to rule on a case (see Section 1.e.). Prior to being formally charged, a detainee has a statutory right to notify family members. However, in most cases the police inform the family of the detainee's whereabouts. Prior to being charged the detainee may contact a lawyer if permitted by the head of the investigating office. Following a formal charge, the detainee has a statutory right to contact an attorney, although it is not clear that this right was respected in practice.

The Procuracy (the office which investigates cases and initiates public prosecutions) issues arrest warrants, generally at the request of the police. However, police may make an arrest without a warrant on the basis of a complaint filed by any party alleging the commission of a crime. In such cases, the Procuracy must issue retroactive arrest warrants. Unless specifically authorized by an investigator, the MPS usually prohibited contact between a detainee and his lawyer as long as the procurator's office was investigating a case, which may last up to 1 year and may not entail any formal charges. Likewise, family members may visit a detainee only with the permission of the investigator. In general, time spent in pretrial detention counts toward time served upon conviction and sentencing.

Courts may sentence persons to administrative detention for a period up to 5 years after release from prison. These provisions were enforced unevenly. The MPS used administrative probation to place persons under house arrest without trial for up to 2 years (see Section 2.d).

Persons arrested for the peaceful expression of views opposed to official policy were subject to charge under any one of several provisions in the Criminal Code that outlaw acts against the State. During the year, at least two persons—Pham Hong Son and Nguyen Vu Binh—who peacefully had expressed political views, were detained and continued to be under investigation at year's end (see Sections 2.a. and 2.b.). At least two others—Le Chi Quang and Nguyen Khac Toan—were arrested and convicted during the year. In August, several villagers from the Central Highlands were detained and/or arrested (see Section 1.b.). On September 25, police arrested former journalist and writer Nguyen Vu Binh. Nguyen wrote articles that called for political reform and criticized government policy. His whereabouts, and the charges against, him were unknown at year's end. On November 8, Le Chi Quang was convicted of disseminating anti-state information and sentenced to 4 years in prison and 3 years of administrative probation. On December 28 and 29 police detained two other political activists, Pham Que Duong and Tran Van Khue, for unknown reasons (see Section 2.a.). In addition, up to 19 Hmong Protestant leaders may still be detained, including: Vang Sua Giang, Mua A Ho, Cu Van Long, and Sua Song Vu. In addition, it was unknown whether several persons detained in previous years ever have been tried, including: Vo Tan Sau, Phan Thi Tiem, and Tran Thi Duyen, Le Huu Hoa, Ma Van Chinh, and Lu Seo Dieu.

The Constitution does not provide for forced exile, and the Government did not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for the independence of judges and jurors; however, in practice the Party controls the courts closely at all levels, selecting judges at least in part for their political reliability. Constitutional safeguards are significantly lacking. The CPV had strong influence over high profile cases and cases in which a person was charged with challenging or harming the CPV or the State. During the year, CPV and government officials may have exerted influence over court decisions by making clear their wishes to both the lay assessors and the judges who sat on a panel together to decide cases. The National Assembly votes for judicial nominees presented by the President of the country for the Supreme People's Court (SPC) President and Supreme People's Procuracy. The National Assembly also controls the judiciary's budget, including judges' salaries, just as it controls the budgets and salaries of all other parts of the Government. Provincial and district governments disburse judges' salaries at their respective levels, just as they disburse the salaries of other local officials. The State President appoints all other judges not the President of the SPC. This power is granted in the Constitution. On September 30, the Government transferred local courts from the Ministry of Justice to the SPC, in an effort to increase judicial independence.

The system of appointing judges and lay assessors also reflected the lack of judicial independence. Court panels at all levels include judges and lay assessors. People's councils appoint lay assessors at the district and provincial levels. Lay assessors are required to have high moral standards, but legal training is not necessary. District and provincial people's councils appoint the lay assessors at the lower levels. The Standing Committee of the National Assembly appoints and discharges the SPC lay assessors. The Vietnam Fatherland Front (VFF), an umbrella group for the country's mass organizations, must approve candidates for SPC lay assessors. The President appoints the District People's Court and Provincial People's Court judges to 5-year terms. The President also appoints SPC judges from candidates approved by a judicial selection panel under the influence of the CPV. The CPV's influence over the courts is amplified both because the people's councils appoints the lay assessors, and because the judges serve limited terms and are subject to review.

The judiciary consists of the Supreme People's Court, the local people's courts, military tribunals, and other tribunals established by law. Each district throughout the country has a district people's court, which serves as the court of first instance for most domestic, civil, and criminal cases. Each province has a Provincial People's Court, which serves as the appellate forum for district court cases, as well as courts of first instance for other cases. The SPC is the highest court of appeal and review. The Ministry of Justice administered most district and provincial courts until September 30, when they were transferred to the SPC. The SPC reports to the National Assembly. On November 15, a new law gave military courts jurisdiction over all cases involving military entities including military owned enterprises. The military has the option of using the administrative, economic, or labor courts for those specialized cases.

The judiciary also includes military tribunals, economic courts, labor courts, and administrative courts that resolve disputes in those specialized fields. Administrative courts deal with complaints by citizens about official abuse and corruption. Military tribunals operate under the same rules as other courts, but the Ministry of Defense (MoD) provides their funding. Tribunal judges and assessors are military personnel, chosen jointly by the SPC and the MoD, whose function is supervised by the SPC. The MoD is represented on the judicial selection panels, and the head of the military tribunal system is the deputy head of the SPC. The VFF did not have any legal standing to settle legal issues itself. In addition, the CPV and the Government set up special committees to help resolve local disputes.

The Supreme People's Procuracy brings charges against the accused and serves as prosecutor during trials. A judging council, made up of a judge and one or more lay assessors, determines guilt or innocence and also passes sentence. The relevant people's council appoints lay assessors, who are required to have high moral standards but who do not need to have legal training. The legal institutional framework and legal culture, which favors the Procuracy over the judiciary and preserves a presumption of guilt in criminal cases, constitutes a major obstacle to free and fair trials. Although the Constitution asserts that citizens are innocent until proven guilty, a foreign legal expert who analyzed the court system during 2000 found that more than 95 percent of the persons who were charged with a crime were convicted. The country's lawyers also complained that judges generally presume guilt.

The Criminal Code provides two or three levels of punishment for most crimes, depending on the crime's seriousness and circumstances. The code also provides "punishment brackets" (a range of possible fines or prison sentences) for a large percentage of crimes. The punishment brackets are intended to discourage abuse by law enforcement officials, allow courts to render verdicts and punishments more appropriate to the particular offense, hinder arbitrary sentencing by judicial panels, and allow crime to be punished more uniformly.

District courts may adjudicate cases for 346 of the 672 crimes defined in the country's legal statutes. The other 326 types of crimes (which are generally more serious) are adjudicated at the provincial level. In June 2001, the National Assembly rejected a bill that would have given district courts authority over more crimes because legislators reportedly were concerned that the change could have led to miscarriages of justice and an increase in the prison population (see Section 3).

There was a shortage of trained lawyers and judges and no independent bar association. At the Supreme Court level, there was a 20 percent shortage of qualified judges. According to a U.N. official, the shortage ranged from 30 to 40 percent at the

provincial level. Low salaries hindered the development of a trained judiciary. The few judges who had formal legal training often studied abroad in countries with socialist legal traditions. Young educated judges usually had little influence within the system.

The Government conducted training programs to address the problem of inadequately trained judges and other court officials. A number of foreign governments and the U.N. Development Program provided assistance to strengthen the rule of law and to develop a more effective judiciary. However, the lack of openness in the judicial process and the continuing lack of independence of the judiciary undermined these efforts.

Although the Constitution provides for legal counsel for persons accused of criminal offenses, the scarcity of lawyers made this provision impossible to enforce. With few qualified attorneys, the procurator often handles both the prosecution and the defense, resulting in legal counsel that frequently provided little help to the defendant. Consistent with its Marxist-Leninist political system, the Government required that the Bar Association be a member of the VFF. At the provincial level, the Bar Association was subordinate to representatives of the central Government, the VFF, the provincial people's council, and the people's committee.

Trials generally were open to the public; however, judicial authorities sometimes closed trials or strictly limited attendance in sensitive cases. Defendants have the right to be present at their trial and to have a lawyer. The defendant or the defense lawyer have the right to cross-examine witnesses. However, there were credible reports that defendants were not allowed access to government evidence in advance of the trial, to cross-examine witnesses, or to challenge statements. Lawyers reported that they often had little time before trials to examine evidence to be presented against their clients. Those who were convicted had the right to appeal. The courts did not publish their proceedings.

The Government continued to imprison persons for the peaceful expression of dissenting religious and political views. There were no reliable estimates of the number of political prisoners, because the Government usually did not publicize such arrests, and sometimes conducted closed trials and sentencing sessions. Informed sources estimated that there were up to 150 political prisoners. However, many of the names included on these lists were difficult to verify. The number of confirmed political prisoners was much lower than 150 persons. Among those believed to be imprisoned for peaceful political and religious activities were political activists Nguyen Dinh Huy, who reportedly was suffering from Parkinson's disease, Le Chi Quang, and Nguyen Khac Toan; journalist Pham Thai; and religious persons, Truong Van Thuc, Nguyen Chau Lan, Le Van Nhuom, Vo Van Buu, Ha Hai, Nguyen Duy Tam, Le Van Tinh, Le Van Son, Nguyen Van Dau, Thich Nhu Dat, Thich Hai Tang, Thich Phuc Vien, Thich Thien Minh, Thich Tien Tan, Thich Thanh Tinh, Thich Tri Tuu, Pham Minh Tri, Nguyen Thien Phung, Nguyen Minh Bao, Nguyen Van Ly, and Ly A Cho.

The Government claimed that it did not hold any political or religious prisoners and that persons described as political prisoners were convicted of violating national security laws. On September 2, the Government amnestied 6,110 prisoners and on October 17 the Government amnestied 3,069 additional prisoners. It was unknown whether any political or religious prisoners were among them. In late April, local level authorities amnestied at least 419 prisoners. The Tin Nhan newspaper, in an apparent departure from government policy, reported that 5 prisoners from a "political" prison were among those amnestied in April, however, they were not identified by name (see Section 1.c.).

The Government did not allow access by humanitarian organizations to political prisoners (see Section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy of home and correspondence; however, the Government restricted this right significantly. Household registration and block warden systems existed for the surveillance of all citizens, but were used with less vigor and thoroughness than in the past, and usually did not intrude on most citizens. The authorities largely focused on persons whom they regarded as having views critical of the Government, or whom they suspected of involvement in unauthorized political or religious activities. Citizens formally are required to register with police when they leave home, remain in another location overnight, or when they change their residence, although this usually was honored in the breach. However, the Government appears to have enforced these requirements in some districts of the Central Highlands and northwestern provinces. Most citizens who wished to move around the country to seek work or to visit family and friends were able to do so without being monitored, and most families who sought employment moved to other locations without prior government permission (see Section 2.d.). There continued to be reports that some "spontaneous migrant" families were unable to obtain household registration or residence permits in their new locations, which created legal and administrative problems. In urban areas, most citizens were free to maintain contact and to work with foreigners. In theory the Government requires that citizens who work for foreign organizations be screened and hired through a government service bureau. Laws governing foreign business enterprises are more lenient. In practice, many foreign organizations and enterprises hired their own personnel and only "registered" them with the service bureau or employment bureau.

In theory forced entry into homes is not permitted without orders from the Procuracy. In practice security forces seldom followed this requirement, usually "asking," with an implied threat to enter. In some cases, individuals refused to cooperate with such "requests." In urban areas security forces generally left when faced with non-cooperation.

The Government opened and censored targeted persons' mail, confiscated packages and letters, and monitored

telephone conversations, electronic mail, and facsimile transmissions. The Government cut the telephone lines of some targeted individuals and also repeatedly interrupted their cellular phone service. However, this practice appeared to be sporadic and was not applied consistently. The Government monitored e-mail, to search for sensitive key words, and regulated Internet content (see Section 2.a.).

The Government did not exercise forced resettlement; however, there were credible reports that the Government forced ethnic minority Protestant believers in some northwestern provinces to leave their homes without providing them alternative places to live. The Government also resettled some citizens to make way for infrastructure projects. By law citizens are to be compensated in such cases, but there were widespread complaints, including from the National Assembly, that compensation was not fair. The Government has acknowledged problems in past resettlement programs.

The Government enforced universal male conscription, although medical waivers were available. Students generally received deferments, as did others in numerous special cases. Individuals who received deferments rarely were drafted. It is unknown whether there were differences in conscription rates between ethnic groups.

Citizens' membership in mass organizations remained voluntary, but often is important for career advancement. Membership in the CPV remained an aid to advancement in the Government or in state companies and was vital for promotion to senior levels of the Government. At the same time, diversification of the economy made membership in CPV-controlled mass organizations and the CPV less essential to financial and social advancement. Other political parties were not permitted.

The Government continued to implement a family planning policy that urges all families to have no more than two children; this policy emphasizes exhortation rather than coercion. In principle, the Government can deny promotions and salary increases to government employees with more than two children and local regulations permit fines based on the cost of extra social services incurred by a larger family. These penalties rarely were enforced and implementation of this policy appeared to have declined during the year. There was anecdotal evidence that party members were more likely to be penalized than nonparty members.

In 2001 relatives of some individuals holding political viewpoints at variance with the Government lost their jobs with state-owned enterprises. However, most, if not all, found equivalent or better positions with private sector employers.

The Government interfered with distribution of foreign periodicals and access to satellite television (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

Freedom of Speech and Press

The Constitution provides for freedom of speech and freedom of the press; however, the Government significantly restricted these freedoms, especially with respect to political and religious speech. Both the Constitution and the Criminal Code include broad national security and anti-defamation provisions that the Government used to restrict severely such freedoms. During the year, reporters and editors practiced self-censorship. A press law provides for monetary damages to be paid by journalists to individuals or organizations harmed by reporting, even if the reports are true. This law poses a threat to investigative reporting. Several media outlets continued to test the limits of government press restriction by publishing articles that criticized actions by party and government officials; however, the freedom to criticize the Communist Party and its highest leadership remained restricted. Nonetheless, there were press reports about topics that generally were considered sensitive.

The Party and Government tolerated public discussion on some subjects and permitted somewhat more criticism than in the past. The law allows citizens to complain openly about inefficient government, administrative procedures, corruption, and economic policy. Senior government and party leaders traveled to several provinces to try to resolve citizen complaints. However, the Government imposed limits in these areas as well.

The Government required officials to obtain approval from their ministry before providing any information to foreign journalists. Journalists must receive approval from their editorial offices before providing information. In June 2001, police confiscated approximately 180 pages of war hero and expelled party member General Tran Do's writings. Do was hospitalized afterwards, and while friends were allowed to visit him, they said authorities discouraged such visits. On August 9 Do died. The Government did not permit his family and friends to display many of his honors at his funeral. Funeral attendees rejected government statements at the funeral that General Do had made mistakes later in life. The Government did not intervene when Do's family and friends spoke critically of the Government and the Party during the funeral (see Section 2.b.).

The Government continued to prohibit free speech that strayed outside narrow limits to question the role of the Party, to criticize individual government leaders, to promote pluralism or multiparty democracy, or to question the regime's policies on sensitive matters such as human rights or the border agreement with China. There continued to be an ambiguous line between what constituted private speech about sensitive matters, which the authorities would tolerate, and public speech in those areas which they would not tolerate. On January 8, police detained democracy activist Nguyen Khac Toan. Toan had distributed leaflets advocating reforms and had spoken to demonstrators outside of the National Assembly during its December 2001 session. On December 20, a court convicted Toan for espionage and sentenced him to 12 years' imprisonment followed by 4 years' administrative detention (see Section 1.d.). Le Chi Quang authored several articles and essays advocating democracy and

criticizing the border agreement with China. He posted a number of these writings to the Internet and was detained in an Internet cafe on February 21 in Hanoi. On November 8, he was tried and sentenced to 4 years in prison and 3 years' administrative detention for disseminating anti-state documents. In February and March, Pham Hong Son translated a number of English-language articles about democracy into Vietnamese and posted them on the Internet. On March 29, he was detained and placed under investigative detention for espionage-related charges. In July and August, police repeatedly summoned democracy activist Nguyen Vu Binh, a former journalist, for questioning. He was under close police surveillance for several weeks afterwards before being summoned for questioning again for several days in September and finally arrested on September 25. In February 2001, biologist Ha Sy Phu, who was cleared on earlier charges of treason, was placed under administrative probation for writing articles calling for democracy (see Section 1.d.).

Since September 2001, other democracy activists have had their telephone service disconnected. In September former Colonel Pham Que Duong was called in for questioning for several consecutive days and had his cell telephone service cut at least three times during the year. Nguyen Dan Que continued to call for democracy and respect for human rights, but authorities interfered with his ability to communicate by cutting off his cell telephone intermittently, shutting off his land line, as well as his access to the Internet and e-mail for more than 2 years. Police continued to monitor him closely and questioned him periodically (see Section 1.d.). In September authorities came to his home to demand that he go to the local police station with them for questioning, but he refused to accompany the police without a proper legal summons. In October foreign officials visited Que at his residence. Subsequently he has experienced less harassment from the authorities. During the year, Duong, Que and some other activists were able to receive visitors, including foreigners. On December 28, police detained Duong in Ho Chi Minh City just after he concluded a visit to fellow activist Tran Van Khue. On December 29, police came to Khue's house, detained him, and took away his computer and other materials. Khue and Duong had identified themselves as spokespersons for a number of other activists.

In February 2001, Catholic priest Father Nguyen Van Ly submitted written testimony critical of the Government to the U.S. Commission on International Religious Freedom (CIRF) and frequently spoke out for political pluralism and complete religious freedom. In October 2001, a district court sentenced Father Ly to cumulative sentences of 15 years for "damaging national unity" and violating an administrative detention order. The Government restricted persons who belonged to unofficial religious groups from speaking publicly about their beliefs.

In January 2001, members of the editorial board of the Tuoi Tre daily were ordered to write self-criticisms after the newspaper published the results of an opinion poll that showed government leaders trailed behind some Western leaders (see Section 2.d.). Security forces continued to harass novelist Duong Thu Huong intermittently, and authorities have not allowed her to travel abroad since the early 1990's, although it was unknown whether she attempted to travel overseas during the year. In October the government press criticized her for publishing an article critical of the Government in an Australian periodical. However, Huong was allowed to meet with some foreigners and Vietnamese colleagues. Some persons who expressed alternative opinions on religious or political issues also were not allowed to travel abroad (see Section 2.d.).

The Party, the Government, and the party-controlled mass organizations controlled all print and electronic media. The Government exercised oversight through the Ministry of Culture and Information, supplemented by pervasive party guidance and national security legislation sufficiently broad to ensure effective self-censorship in the domestic media. The Government officially requires all religious publishing be done through one government owned religious publishing house.

Published reports on high-level government corruption and mismanagement became more common during the year. Local newspapers devoted extensive coverage to the government's investigation of an organized crime gang with links to three high-level government officials, two of whom were members of the Communist Party Central Committee. On June 20, the Government reigned in coverage when it deemed that the scandal was receiving too much publicity and revealing too many sensitive points. Many newspapers ignored the party's instructions not to report on the case, resulting in a stronger party rebuke and a subsequent sharp reduction, although not a complete halt, to the press' reporting. On December 31, the Ministry of Culture and Information announced a decision to revoke the press identity cards of four reporters. Three, Tran Ngoc Tuan of Tien Phong magazine, Dang Thanh Hai of Thanh Nien, and Nguyen Minh Son of Nguoi Lao Dong had filed what the Government claimed were inaccurate reports about Danang police beating citizens to the point of severe injury. The fourth reporter, Bui Ngoc Cai of Gia Dinh Va Xa Hoi newspaper, reported that a police major general had said that the Government might punish higher level (above the Vice Minister) government officials for corruption.

Newspapers and magazines also printed articles on contentious economic policy issues. In May the Government unexpectedly blocked press access to a foreign-funded, scientific conference. The Government did not allow foreign journalists to attend sessions and restricted domestic journalists to the opening and closing sessions.

Foreign language periodicals were widely available in cities; however, the Government occasionally censored articles about the country. Twice the Government blocked newsstand sale of a foreign periodical apparently because of articles on sensitive topics (see Section 1.f.).

The Government generally did not limit access to international radio, except to Radio Free Asia, which it jammed (see Section 1.f.).

Foreign journalists must be approved by the Foreign Ministry's Press Center and must be based in Hanoi. The number of foreign staff allowed each foreign media organization was limited, and most local staff who worked for foreign media were provided by the Foreign Ministry. The Press Center monitored journalists' activities and decided on a case-by-case basis whether to approve their interview, photograph, film, or travel requests, all of which must be submitted 5 days in advance. The Press Center refused several travel requests, particularly for travel to the Central Highlands. By law, foreign journalists are supposed to address all of their questions to other government agencies through the Foreign Ministry, although it appeared that this often was not followed in practice. Foreign journalists generally received visas valid for 6 months. Those who reported on sensitive issues sometimes experienced difficulty when renewing their visas. One journalist was unable to renew his visa during the year, and two journalists received visas for shorter than usual terms in 2001.

In past years, the Government censored television footage and sometimes delayed export of footage by several days. During the year, this was not known to have occurred, although regulations continued to allow the Government to screen such footage. The law limits access to satellite television to top officials, foreigners, luxury hotels, and the press. However, the law was not enforced uniformly, and many persons in urban and some in rural areas had access to censored television footage via home satellite equipment. On June 24, following a visible increase in individual satellite dishes set up in conjunction with the World Cup soccer competition, the Government issued a new decree in an attempt to enforce this requirement more stringently; however, its success was unknown at year's end.

The Government generally allowed artists broader latitude than in past years in choosing the themes for their works, although artists were not allowed to exhibit works of art that censors regarded as criticizing or ridiculing the Government or the Party. Many artists received permission to exhibit their works abroad, receiving exit permits to attend the exhibits and export permits to send their works out of the country. Foreign language editions of some banned books, such as Bao Ninh's *Sorrow of War*, were sold openly. In one notable exception, the press launched a campaign to denounce well-known actor Don Duong for his portrayals in the films *Green Dragon* and *We Were Soldiers Once*. The articles described the actor as a traitor and called for his arrest and detention. In October authorities confiscated his passport.

The Government allowed access to the Internet; however, it owned and controlled the country's only Internet access provider, Vietnam Data Communications (VDC). The VDC was the largest of the 5 operating Internet service providers (ISPs) with 56 percent of all subscribers. The Ministry of Culture and Information reported that the number of Internet subscribers in the country rose to approximately 250,000 in the past year and that there were approximately one million Internet users. The price of computers relative to the country's income level limited home use. However, universities and approximately 4,000 cyber cafes allowed students and many other persons wider access to the Internet. The VDC was authorized by the Government to monitor the sites that subscribers access. The Government used firewalls to block sites it deemed politically or culturally inappropriate, including sites operated by exile groups abroad. In July the Government instructed cyber cafe owners to monitor their customers to discourage citizens from accessing sites containing antigovernment material as well as pornography (see Section 2.b.).

In August the Government inspected a large number of Internet cafes to determine whether persons were accessing blacklisted sites. Also in August, the Government closed a company that provided an online news service because it carried articles not allowed under the Press Law. In October the Government required all owners of domestic web sites, including those operated by foreign entities, to register their sites with the Government and to submit their web site content to the Government for approval. In August 2001, the Prime Minister Phan Van Khai issued a decree on the management, provision, and the use of Internet services. The decree prohibits Internet users from taking advantage of the Internet to take hostile action against the country, to destabilize security, to violate morality, or to violate other laws and regulations. In 2001 the non-governmental organization (NGO), Reporters Sans Frontieres listed the country as 1 of 58 "enemies of the Internet."

The Government continued to permit a more open flow of information within the country and into the country from abroad, including in the university system, than in previous years. Foreign academic professionals temporarily working at universities were allowed to discuss nonpolitical issues widely and freely in the classroom. Government monitors regularly attended, without official notification, classes taught by both foreigners and citizens. Academic publications usually reflected the views of the Party and the Government and exhibited greater freedom for differing views on nonpolitical subjects than for political ones. There was an increasing interest in subjects such as American Studies that officially were discouraged in the past.

b. Freedom of Peaceful Assembly and Association

The right of assembly is restricted in law and in practice, and the Government restricted and monitored all forms of public protest. Persons who wished to gather in a group are required to apply for a permit, which local authorities can issue or deny arbitrarily. However, persons routinely gathered in informal groups without government interference. In general the Government did not permit demonstrations that could be seen as having a political purpose.

On August 14, approximately 2,000 persons attended war hero and government critic General Tran Do's funeral in Hanoi (see Section 2.a.). The Government also made no move to interfere with a hastily arranged, but well attended memorial mass for Cardinal Nguyen Van Thuan on September 20 in HCMC. In December there were reports that police dispersed one or more gatherings of Hmong Christians (see Section 2.c.).

During the year, there were a number of peaceful protests of up to 50 persons, mostly older rural women over land tenure issues. The protests took place outside government and party office buildings, the Prime Minister's residence, and the National

Assembly hall in Hanoi. On one occasion, police firmly, but nonviolently and respectfully, moved the protesters away from the Prime Minister's residence. In October the Government sentenced two individuals for disturbing public order for organizing a protest over land compensation issues in HCMC earlier in the year.

In February 2001, police and soldiers fought with up to 4,000 ethnic minority persons who demonstrated in the Central Highlands town of Pleiku, and another 500-1,000 ethnic minority persons who demonstrated in the Central Highlands town of Buon Me Thuot. The demonstrators protested loss of forestland in the area to ethnic majority citizens. Some protested local government repression of Christian religions and some called for political autonomy or for an independent state. Scores of persons were injured on both sides.

Until March 2001, smaller scale demonstrations with varying degrees of violence continued in rural districts of the Central Highlands. The Government deployed local troops augmented by civilian militias and non-uniformed security forces to secure the area. In some places, the Government forced villagers to feed and quarter troops or members of the civilian militias. In September 2001, 14 ethnic minority persons arrested in connection with the unrest were sentenced to prison terms ranging from 6 to 12 years. One of the 14 persons arrested also was convicted of illegal possession of a military weapon. In October 2001, the Government sentenced six more ethnic minority persons to sentences ranging from a 3-year suspended sentence to 5 years' imprisonment. Charges against 18 others were dropped, or changed to the lesser charge of "inciting social unrest." At the end of 2001, at least 14 others were arrested and awaiting trial. At year's end their fate was unknown. In 2001 there were credible reports of as many as 85 persons arrested and 36 persons missing. Many more were detained and later released (see Sections 1.b and 1.d). There were numerous credible reports that police beat the suspects when they were taken into custody (see Section 1.c.).

There were several conflicting reports about an event on March 10, 2001, in Plei Lau village of Gia Lai Province. According to one credible report, hundreds of police and soldiers attempted to disperse hundreds of ethnic minority persons. Fighting erupted, resulting in dozens of injuries on both sides. At one point, an ethnic minority person armed with a spear attacked a soldier and was shot and killed by two or three other soldiers. Soldiers reportedly pursued and opened fire on other persons who had fled into the forest, wounding at least two who were shot in the leg and captured. Later that day, police forced some villagers to burn down the village church.

The Government restricted freedom of association. The Government prohibited the legal establishment of private, independent organizations, insisting that persons work within established, party-controlled organizations, often under the aegis of the VFF. Citizens were prohibited from establishing independent organizations such as political parties, labor unions, and religious or veterans' organizations. Such organizations existed only under government control. However, some entities were able to operate outside of this framework with little or no government interference. For 10 days in 2001, police in Hai Phong detained and held Vu Cao Quan after he met individually in Hanoi with several persons holding reformist views including Nguyen Thanh Giang, Hoang Minh Chinh, retired General Tran Do, and retired Colonel Pham Que Duong. Since 1990 while still a member of the Communist Party, Quan wrote several pieces advocating democracy. In September 2001, Tran Van Khue and Colonel Pham Que Duong sent a letter to the party and government leadership seeking permission to form a "People's Association to support the Party and State to fight corruption." Police sent Khue and Nguyen Thi Thanh Xuan from Hanoi back to their residences in HCMC and summoned Duong and 16 Hanoi associates for questioning related to the proposed "People's Association." These persons were known to hold reformist views and included Hoang Minh Chinh, Nguyen Thanh Giang, Hoang Tien, Nguyen Vu Binh, Duong Hung, Le Chi Quang, Tran Dung Tien, Nguyen Dao Kinh, Tran Ba, Dau Quy Ha, Duoi Huy, Nguyen Thu, Nguyen Doai, V. Thinh, Tran Dai Son, and Duoi Son. The Government also cut personal telephone lines and blocked access to the web site where Duong and Khue posted their letter. The People's Association later set up a web site, which the Government did not block, that included contact information, the petition, other documents written by various democracy activists, and a bulletin board where several individuals recorded their reactions to the proposal. In 2001 in HCMC, police confiscated Khue's computer and for more than 1 month "invited" him to come to the local police station twice a day "to work with them." In October the Government also placed Khue under a 2-year administrative detention order—a form of house arrest.

c. Freedom of Religion

Both the Constitution and government decrees provide for freedom of worship; however, the Government continued to restrict significantly those organized activities of religious groups that it declared to be at variance with state laws and policies.

The Government technically required religious groups to be registered and used this process to control and monitor church organizations. The Government officially recognized Buddhist, Roman Catholic, Protestant, Hoa Hao, Cao Dai, and Muslim religious organizations. To obtain official recognition, a group must obtain government approval of its leadership and the overall scope of its activities. Officially recognized religious organizations were able to operate to varying degrees throughout the country, and followers of these religious bodies were able to worship without government harassment, except in some isolated provinces. Officially recognized organizations had to consult with the Government about their religious operations, although not about their tenets of faith. Some leaders of the pre-1975 Buddhist and Hoa Hao religious bodies unsuccessfully requested official recognition of their organizations. Their activities, and those of the unregistered Protestant "house churches" were considered illegal by the authorities, and they sometimes experienced harassment as a result. The Government actively discouraged contacts between the illegal UBCV and its foreign Buddhist supporters, and between unofficial Protestant organizations, such as the underground churches, and their foreign supporters, although such contacts continued.

The Government generally allowed persons to practice individual worship in the religion of their choice, and participation in religious activities throughout the country continued to grow significantly. The Penal Code establishes penalties for "attempting to undermine national unity" by promoting "division between religious believers and nonbelievers." In some cases, particularly involving Hmong Protestants, when authorities charged persons with practicing religion illegally, they used provisions of the Penal Code that allow for jail terms of up to 3 years for "abusing freedom of speech, press, or religion." There were reports that officials fabricated evidence, and some of the provisions of the law used to convict religious prisoners contradict international instruments such as the Universal Declaration of Human Rights. According to credible reports, the police arbitrarily detained persons based upon their religious beliefs and practice, particularly in the mountainous, ethnic minority areas. There were credible reports that Hmong Protestant Christians in several northwestern villages and various ethnic minority Protestant Christians in the Central Highlands were pressured or forced to recant their faith. In the northwest provinces and the Central Highlands, local officials allowed believers little discretion in the practice of their faith. The Government continued to harass members of the UBCV, and prevented their conducting independent religious activities, particularly outside of their pagodas. The Vietnamese Roman Catholic Church hierarchy remained frustrated by the government's restrictions but has learned to accommodate itself to them. A number of clergy reported a modest easing of government control over church activities in certain dioceses during the year. In most locales, local government officials allowed Catholic Church officials to conduct religious education classes (outside regular school hours). However, in many areas, officials strictly prohibited these activities. In some areas, including HCMC, local officials allowed unregistered religious organizations to operate with little or no interference.

Restrictions on the hierarchies and clergy of religious groups remained in place, and the Government maintained supervisory control of the recognized religions, in part because the Communist Party feared that organized religions may weaken its authority and influence by serving as political, social, and spiritual alternatives to the authority of the central Government. Religious organizations were required to obtain government permission to hold training seminars, conventions, and celebrations outside of the regular religious calendar, to build or remodel places of worship, to engage in charitable activities, operate religious schools, and to train, ordain, promote, or transfer clergy. Religious organizations also were required to submit their "annual plans" and "schedules" for approval by local authorities. Many of these restrictions principally were exercised by provincial or city people's committees, and treatment of religious persons varied widely by locality.

In general religious groups faced difficulty in obtaining teaching materials, expanding training facilities, and expanding the clergy in training in response to the increased demand from congregations; the Government regulated the number of clergy that the Buddhist, Catholic, Hoa Hao, and Cao Dai churches officially may train. The Government has not allowed officially recognized training of Protestant clergy since 1993, although the Southern Evangelical Church of Vietnam (SECV), which only formally was recognized in 2001, requested permission to open a seminary in HCMC. In principle the Government gave the SECV permission to establish a seminary in 2001. However, the SECV was not able to obtain permission for many specific steps to open the seminary such as recruiting or assigning faculty, using or building a facility, or recruiting students.

The Roman Catholic Church faced significant restrictions on the training and ordination of priests and bishops. The Government effectively maintained veto power over Vatican appointments of bishops; however, in practice it had shown willingness to discuss appointments with the Vatican. In recent years, the Government eased its efforts to control the Roman Catholic hierarchy by relaxing the requirements that all clergy belong to the government controlled Catholic Patriotic Association. The Catholic Church operated 6 seminaries, and in 2001 received permission from the central authorities to open a seventh. However, local authorities did not consent to the seminary's proposed location and it had not opened by year's end. The Catholic Church also received permission to accept new seminarians, but only every other year. Over 800 students were enrolled nationwide at year's end. The local people's committee must approve all students, both upon entering the seminary and prior to their ordination as priests. A few more recent seminary graduates remained unordained as long as 10 years. Most observers believed that the number of ordained priests was insufficient to support the growing Catholic population.

Although the authorities arrested and otherwise strictly controlled Hoa Hao "dissidents," the Government permitted other Hoa Hao believers more freedom to practice their faith. Between 100 and 200 visitors worshipped at the central Hoa Hao Pagoda in An Giang Province on a daily basis. Police authorities routinely questioned some persons who held alternative religious or political views, such as UBCV monks and Hoa Hao leaders.

Since 1975 the Government has prohibited ordination into the Cao Dai priesthood. However, during the year, at least 18 new priests were ordained and 920 apprentices entered the process leading to priesthood. Other existing priests were promoted to higher ranks.

Muslim Association members were able to practice their faith, including daily prayer and fasting during the month of Ramadan.

The Government restricted and monitored all forms of public assembly, including assembly for religious activities. Large regularly scheduled religious gatherings were allowed, such as the Catholic celebrations at La Vang. The Hoa Hao also were allowed to hold large public gatherings to commemorate some traditional anniversaries, but not others. Some specially scheduled religious gatherings also were allowed. However, in December there were reports that police in Lai Chau Province attempted to disperse one or more gatherings of Hmong Christians. Police reportedly used a gas, possibly pepper spray, during at least one of these actions, leading to the hospitalization of four or more persons (see Section 2.b.).

Open adherence to a religious faith generally did not disadvantage persons in civil, economic, and secular life, although it likely would prevent advancement to the highest government and military ranks. Avowed religious practice theoretically barred one

from membership in the Communist Party, but in 1997 the CPV reported that approximately 23,000 of the 2.4 million party members were religious believers. Government and party officials increasingly admitted that they follow traditional and Buddhist religious practices.

The law prohibits foreign missionaries from operating in the country.

The Government established a publishing house under control of its Committee for Religious Affairs specifically to oversee the publishing of all religious materials. Many Buddhist sacred scriptures, Bibles, and other religious texts and publications are printed by government-sanctioned organizations and are sold or distributed at religious institutions.

The Government allowed religious travel for some, but not all, religious persons; Muslims were able to take the Hajj (although none did during the year due to lack of foreign financial support), and many Buddhist and Catholic Church officials, and some Protestant officials were able to travel and study abroad. Most of the country's Catholic bishops visited the Vatican for several weeks in the early part of the year. The Government allowed many bishops and priests to travel freely within their dioceses and allowed greater, but still restricted freedom for travel outside these areas, particularly in many ethnic areas. Several Protestant house church leaders traveled overseas during the year. Government officials discouraged officially recognized clergy from entering Son La, Lai Chau, and some other border provinces. In March several hundred Hao Hoa believers traveled to the Hoa Hao Pagoda in An Giang Province to commemorate a traditional anniversary that the Government refused to recognize officially. In July up to 300,000 persons traveled there to celebrate another traditional anniversary that the Government recognizes. Persons who held alternative religious opinions sometimes are not approved for foreign travel. Buddhist monk Thich Thai Hoa in Hue, for example, was refused permission to travel outside the country on several occasions. Thich Huyen Quang, Nguyen Lap Ma, and Nguyen Nhat Thong were restricted from travelling or had to request permission from authorities to travel (see Section 2.d.).

Ethnic minority, underground Protestant congregations in the Central Highlands and in the northwestern provinces continued to suffer severe abuses. Certain northwest provinces reportedly did not have any officially recognized churches or pagodas, allegedly due to provincial government disapproval. Authorities in those areas also reportedly arrested and imprisoned ethnic minority believers for practicing their faith nonviolently, citing their lack of officially recognized status. During the year, there were reports that some Protestants in the Central Highlands, particularly in Dak Lak Province, experienced continued difficulties and restrictions despite evidence of reduced tensions in some other parts of the Central Highlands.

Several reports described a systematic campaign on the part of local officials in Dak Lak and Gia Lai Provinces in the Central Highlands to force ethnic minority Protestants to renounce their faith. Similar campaigns were reported and continued to be reported during the year in Lai Chau, Lao Cai, and other mountainous northern provinces. Under threat of physical abuse or confiscation of property, ethnic minority Protestants allegedly were made to sign a formal, written renunciation or to undergo a symbolic ritual, which included drinking rice whiskey mixed with animal blood. Officials reportedly ordered Protestant gatherings to cease, forbade pastors from traveling, withheld government food distributions from Protestant believers, and prohibited children of Protestant families from attending school beyond the third grade.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides that citizens shall enjoy freedom of movement and of residence within the country...(and) freely travel abroad and return home...in accordance with the provisions of the law;" however, the Government imposed some limits on freedom of movement. Most citizens enjoyed freedom of movement within the country, but some local authorities required members of ethnic minority groups to obtain permission to travel outside certain highland areas.

Local officials reportedly informally discouraged clergy from entering certain provinces. Officially citizens had to obtain permission to change their residence (see Section 1.f.). In practice, many persons continued to move without approval, especially migrant or itinerant laborers moving from rural areas to cities in search of work. However, moving without permission restricted their ability to obtain legal residence permits. Holders of foreign passports in theory must register to stay in private homes. In practice visitors of Vietnamese origin from overseas did not appear to have had problems with this requirement and were allowed to stay with family and friends.

The Government employed internal isolation under the decree on administrative detention to restrict the movement of political and religious dissidents (see Sections 1.d. and 1.f.). Reform activist Nguyen Thanh Giang was not under administrative detention and was permitted to move around freely in Hanoi, although his freedom to move around outside Hanoi was largely untested. Since June 2001, after Thich Quang Do attempted to organize an unauthorized delegation of monks to travel to Quang Ngai Province, authorities confined him incommunicado and under guard to his living quarters. His telephone lines were cut and he was unable to receive visitors (see Section 2.c.).

Some persons were held under conditions resembling house arrest without known legal pretext. Since 1982 Thich Huyen Quang, Supreme Patriarch of the banned UBCV, has been confined to a pagoda in Quang Ngai Province. He cannot leave the pagoda without official permission, although, he was able to receive at least some visitors, including diplomats, during the year. Provincial police reportedly told him in 1997 that his term of detention officially had concluded. Rather than allow him to return to

his previous residence, HCMC authorities urged him to return to his province of birth instead. Similarly, Protestant pastor Nguyen Lap Ma has been forced to reside in an isolated village in Can Tho Province since 1982. However, after he suffered a stroke in 1998, authorities allowed him to travel to HCMC for monthly medical check-ups. Another Protestant pastor, Nguyen Nhat Thong, has been forced to reside in a remote village in Binh Thuan Province since 1979. He has been allowed to travel outside the village since 1986, but must ask for the permission of local authorities first (see Section 2.c.).

Foreigners generally were free to travel throughout the country, except in areas restricted on grounds of national security. Following the 2001 ethnic unrest in the Central Highlands, entry into the area was restricted for several months for most foreigners. The Government retained the right to approve travel to border areas and to some islands, but in practice foreigners could travel to most non-sensitive border areas without prior approval. However, on several occasions, local police detained and fined foreigners who police found had ventured too close to international borders and other sensitive military areas. Some of these areas were unmarked. Although the Government no longer requires citizens traveling abroad to obtain exit or reentry visas, the Government sometimes prevented persons from traveling by refusing to issue passports. Persons who departed the country using passports marked "dinh cu" or "resettlement" appear to need a reentry permit to return. Some persons who publicly or privately expressed critical opinions on religious or political issues sometimes were not allowed to travel abroad (see Section 2.c.).

Citizens' access to passports sometimes was constrained by factors outside the law, such as bribery and corruption. Refugee and immigrant visa applicants sometimes encountered local officials who arbitrarily delayed or denied passports based on personal animosities, or based on the officials' perception that an applicant did not meet program criteria, or to extort a bribe.

The United States continued to process immigrants and refugee applicants for admission and resettlement, including Amerasians, former reeducation camp detainees, former foreign government employees, family reunification cases, and returnees from camps of first asylum elsewhere in the region (under the Resettlement Opportunity for Vietnamese Returnees, (ROVR) program). Most of these programs were nearing the completion of processing, with the number of cases in most categories in the low double digits. (An exception was the Amerasian program, which remained opened to new applicants). A major step forward in this area was the agreement by the Government on the resumption of processing for over 900 former foreign government employees and their family members. This refugee program had been suspended in 1996 but interviews resumed during this year. A government pledge that approved cases would be allowed to depart expeditiously was upheld; at year's end, nearly all approved applicants (over 450 individuals in total) had already departed the country.

There were concerns that some members of minority ethnic groups, such as the Montagnards, who live in the Central Highlands may not have had ready access to the above programs because the Government denied them passports. While this was not the case for the program for former foreign government employees, a slowdown in passport issuances to Montagnards who applied under the re-education camp detainees program was noticeable for some time after the events in the Spring of 2001. However, during this year, the situation improved, when nearly two dozen long-standing cases received passports, and one particularly prominent, long-standing case was allowed to leave the country after a 2-year delay.

The Government generally permits citizens who emigrated to return to visit, but it considers them citizens and therefore subject to the obligations of citizens under the law, even if they adopted another country's citizenship, unless their formal renunciations of citizenship were approved by the President. In practice, the Government usually treats them as citizens of their adopted country; emigrants are not permitted to use Vietnamese passports after they adopt other citizenship. However, because citizens who live overseas are considered a valuable potential source of foreign exchange and expertise for the country but also a potential security threat, the Government generally encouraged them to visit but monitored them carefully.

In early 2001, over 1,000 Montagnards from the Central Highlands fled to Cambodia following a crackdown by security forces. The crackdown followed demonstrations complaining of appropriation of traditional lands, influx of ethnic Vietnamese into the Central Highlands, and religious discrimination. A tripartite agreement on the Montagnards' repatriation among the Governments of Vietnam and Cambodia and the U.N. High Commissioner for Refugees (UNHCR) was abandoned by UNHCR after Vietnam restricted access and attempted to intimidate and pressure Montagnards in the UNHCR camps to return. In June an official was quoted acknowledging the mistakes of the country's leadership for the turmoil in the Central Highlands. Subsequently, the Government declared it would award each minority family in the Central Highlands at least one hectare of land for farming and 400 square meters for housing.

During the year, there were credible reports that non-uniformed security forces crossed the border to try to capture and return those who had fled. These reports add that the security forces succeeded in forcibly returning approximately 50 persons to Dak Lak Province. Eight other persons reportedly were returned to Gia Lai Province. Two of them reportedly were placed in jail, and the other six were placed under administrative probation. Family members reported the disappearances of at least 42 ethnic minority persons from Gia Lai Province. Most of those who fled and were placed under the protection of the U.N. High Commissioner for Refugees were subsequently resettled from Cambodia to a third country.

The country is not a signatory to the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Constitution provides for consideration of asylum for foreigners persecuted abroad under certain circumstances. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens do not have the right to change their government peacefully through democratic means. Party control over the selection of candidates in elections for the National Assembly, the presidency, the prime ministership, and local government undermines this right. All authority and political power is vested in the CPV, and the Constitution declares the supremacy of the CPV; political opposition movements and other political parties are illegal. The CPV Central Committee is the supreme decision-making body in the nation, with the Politburo as the locus of policymaking. During the Ninth Congress of the CPV in April 2001, the Party replaced the standing board, consisting of the five most senior members of the Politburo, with a nine-member Secretariat, consisting of the General Secretary, four lower ranking Politburo members, and four non-Politburo Central Committee members, to oversee day-to-day implementation of leadership directives. The Government continued to restrict public debate and criticism to certain aspects of individual, state, or party performance determined by the CPV itself. However, during the year and in 2001, legislators questioned and criticized ministers in sessions that were broadcast live on television. No public challenge to the legitimacy of the one-party State is permitted; however, there were instances of unsanctioned letters critical of the Government from private citizens, including some former party members, that circulated publicly (see Section 2.a.).

The Government strongly encouraged eligible citizens to vote in elections, although there is no legal penalty for not voting. Voting was not compulsory, but election officials applied many means to persuade citizens to vote, including using public address systems to ask late voting citizens by name to come to the polls. The Government claimed a 99.73 percent voter turnout for the May 19 National Assembly election. Proxy voting, while illegal, appeared widespread. In addition, most voting was over by 10:00 a.m., although polls were required to be open until 5:00 p.m. The party-controlled VFF approved all candidates for the 498-member assembly.

The National Assembly, although subject to the control of the Party (all of its senior leaders and 90 percent of its members also are party members), increasingly served as a forum for the expression of local and provincial concerns and as a critic of corruption and inefficiency. However, it does not initiate legislation and never has passed legislation that the Party opposed. Party officials occupied most senior government and National Assembly positions and continued to have the final say on key issues. In August the National Assembly debated the government's cabinet nominations; although it approved all of the nominations, more than 30 percent of the delegates voted against some nominees. During the year, the National Assembly continued to engage in public debate on economic, legal, and social issues. It also continued to exert its increasing power to revise or reject draft laws and actively pursued enhancing its capability to draft laws. In December 2001, the National Assembly rejected the government's preferred option on a large dam project. In June 2001, legislators apparently concerned that passage would lead to widespread miscarriages of justice, rejected a bill that could have granted district courts wider powers.

The law provides the opportunity for equal participation in politics by women and minority groups. Approximately 99 percent of women in the country voted. Women held a number of important government positions, including the Vice Presidency. There were 136 women in the 498-seat legislature; there were three women at the Ministerial level; and there were no women in the Politburo. There were only a few women in provincial level leadership positions.

According to government figures, approximately 99 percent of minorities in the country voted and 87 of the 498 National Assembly members belonged to ethnic minorities. The CPV General Secretary, formerly Chairman of the National Assembly, is a member of an ethnic minority group. However, the percentage of minorities in Government or national-level politics does not accurately reflect their numbers in the population.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The Government does not permit private, local human rights organizations to form or operate. It generally prohibited private citizens from contacting international human rights organizations, although some activists were able to do so. The Government did not allow any visits by international NGO human rights monitors. The Government criticized almost all public statements on human rights issues by international NGOs or by foreign governments.

The Government generally was willing to discuss human rights problems bilaterally with some other governments if such discussions took place under the rubric of "exchanges of ideas" rather than as "investigations." During the year, several foreign governments held official talks concerning human rights. The country continued to be a member of the U.N. Human Rights Commission.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on gender, ethnicity, religion, or social class; however, enforcement of these prohibitions was uneven. Some persons formerly interred in reeducation camps on the basis of association with the pre-1975 government continued to report varying levels of discrimination as they and their families sought access to housing, education, and employment. Some military veterans of the pre-1975 government still faced economic hardship as a result of past employment restrictions and discrimination, but none were known still to be incarcerated for their activities before 1975. These veterans and their families generally were unable to obtain employment with the Government. This prohibition is less restrictive than in past years because of the growth of job opportunities in the private sector.

Women

The law addresses the problem of domestic violence; however, the authorities did not enforce the law effectively. Officials increasingly acknowledged domestic violence, which also was discussed more openly in the media. International NGO workers and local contacts reported that domestic violence against women was common. Reportedly approximately two-thirds of divorces were due in part to domestic violence. The divorce rate has risen in the past few years, but many women remained in abusive marriages rather than confront the social and family stigma and economic uncertainty of divorce.

Under the Penal Code, it is a crime to use violence, threaten violence, take advantage of a victim who is unable to act in self-defense, or resort to trickery to have sexual intercourse with a victim against that person's will. This is believed to criminalize rape, spousal rape, and, in some instances, sexual harassment. However, there were no known instances of prosecution for spousal rape.

Prostitution is officially illegal, but appears to be tolerated widely. Some women are coerced to work as prostitutes, and some are victimized by false promises of lucrative work (see Section 6.f.). Many more women feel compelled to work as prostitutes because of poverty and a lack of other employment opportunities. NGOs estimated that there were 300,000 prostitutes in the country, including those who engaged in prostitution part-time or seasonally, during the year. There were reports that some persons in HCMC addicted young women to heroin and forced them to work as prostitutes to earn money for drugs. Parents often expected an eldest daughter to assume responsibility for a significant part of a family's finances. There were reports that some parents coerced daughters into prostitution or made such extreme financial demands on them that they felt compelled to engage in prostitution. The Women's Union as well as international NGOs engaged actively in education and rehabilitation programs to combat these abuses.

Trafficking in women for the purpose of sexual exploitation, both domestically and internationally, was a serious problem (see Section 6.f.).

While there is no legal discrimination, women faced deeply ingrained societal discrimination. Despite provisions in the Constitution, in legislation, and in regulations that mandate equal treatment, and although some women occupied high government posts, few women competed successfully for higher status positions. The Government has ratified International Labor Organization (ILO) conventions on Equal Remuneration and Discrimination in Employment. The Constitution provides that women and men must receive equal pay for equal work; however, the Government did not adequately enforce this provision. Very poor women, especially in rural areas but also in cities, performed menial work in construction, waste removal, and other jobs for extremely low wages. Despite the large body of legislation and regulations devoted to the protection of women's rights in marriage as well as in the workplace, and Labor Code provisions that call for preferential treatment of women, women did not always receive equal treatment. Nevertheless, women played an important role in the economy and were engaged widely in business and in social and educational institutions. Opportunities for young professional women have increased markedly in the past few years, with greater numbers entering and staying in the civil service, universities, and the private sector.

The party-controlled Women's Union has a broad agenda to promote women's rights, including political, economic, and legal equality, and protection from spousal abuse. The Women's Union operates micro-credit consumer finance programs and other programs to promote the advancement of women. International NGOs and other international organizations regarded the Union as effective, but they and Women's Union representatives believe that much time is required to overcome societal attitudes that relegate women to lower status than men. The Government also has a committee for the advancement of women, which coordinates inter-ministerial programs that affect women.

Children

International organizations and government agencies reported that, despite the government's promotion of child protection and welfare, children continued to be at risk of economic exploitation. While education is compulsory through the age of 14, the authorities did not enforce the requirement, especially in rural areas where government and family budgets for education are strained and where children were needed for agricultural labor. However, the culture's strong emphasis on education led parents who could send children to school to do so, rather than to allow them to work. Due to lack of classroom space, most schools operated two sessions, and children attended either morning or afternoon sessions; a result of attending school only half days was that children were able to attend classes and work. In 2001 the ILO stated that some street children both in HCMC and Hanoi participated in night education courses. The Government has been in the process of extending free public education from 6 years of age to 9 years of age. The public school system includes 12 grades. Over 90 percent of children attended elementary grades, but the percentage that attended junior and senior high school dropped sharply. These percentages were even lower in remote mountainous areas although the Government runs a system of subsidized boarding schools through the high school level for ethnic minority students.

The Government continued a nationwide immunization campaign, and the government-controlled press regularly stressed the importance of health and education for all children. While reports from domestic sources indicated that responsible officials generally took these goals seriously, concrete actions were constrained by severely limited budgets. According to UNICEF, despite growth in incomes over the past decade, severe malnutrition remained a problem; approximately 39 percent of children under 5 years of age were underweight during the 1995-2000 timeframe.

Widespread poverty contributed to continued child prostitution, especially of girls, but also of some boys, in major cities. Many prostitutes in HCMC were between 15 and 17 years of age. One NGO advocate said that some child prostitutes, such as those from abusive homes, were forced into prostitution for economic reasons, having few other choices available to them. There were reports that some persons addicted young girls to heroin and forced them to work as prostitutes to earn money for drugs.

Some children were trafficked domestically, and others were trafficked to foreign destinations for the purpose of sexual exploitation. Press reports documented the conviction and imprisonment of a number of traffickers (see Section 6.f.). Individuals also were convicted in cases in which parents received payments in exchange for releasing their babies for adoption.

According to a 2001 government report on child labor, there were 20,000 street children in the country. Street children were vulnerable to abuse and sometimes were abused or harassed by police (see Section 1.c.).

Persons with Disabilities

There is no official discrimination against persons with disabilities in employment, education, or in the provision of other state services. Government provision of services to assist persons with disabilities, however, was limited, and the Government provided little official protection or effective support to persons with disabilities. The Government operated a small network of rehabilitation centers to provide long-term in-patient physical therapy and special education for disabled children. Government agencies responsible for services to persons with disabilities worked with domestic and foreign groups to provide protection, support, physical access, education, and employment. Implementation was hampered by limited budgets. The law requires the State to protect the rights and encourage the employment of persons with disabilities. It includes provisions for preferential treatment of firms that recruit persons with disabilities for training or apprenticeship and a special levy on firms that do not employ workers with disabilities. The extent to which the Government enforced these provisions was persons disabled by war, by subsequent accidents involving unexploded ordinance, or other causes, and developed indigenous prosthetics manufacturing capabilities. There were no laws mandating physical access to buildings, but during the year international groups worked with the Government to provide increased accessibility. International groups also assisted the Government in implementing programs to increase access by persons with disabilities to education and employment.

National/Racial/Ethnic Minorities

Although the Government officially is opposed to discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities was widespread. In addition, there continued to be credible reports that local officials sometimes restricted ethnic minority access to some types of employment and educational opportunities. The Government continued to implement policies designed to narrow the gap in the standard of living between ethnic groups living in the highlands and richer, lowland ethnic majority Vietnamese (Kinh) by granting preferential treatment to domestic and foreign companies that invest in highland areas. The Government ran special schools for ethnic minorities in many provinces including subsidized boarding schools at the high school and middle school levels, and offered special scholarship programs at the university level.

The Government resettled some ethnic minorities from inaccessible villages in mountainous provinces to locations where basic services were easier to provide; however, the effect of the policy sometimes has been to dilute the political and social solidarity of these groups. The Government admits that one of the goals of resettlement was to impel the minorities to change from traditional swidden agricultural methods to sedentary agriculture. This also had the effect of making more land available to ethnic majority Kinh migrants to the mountainous areas. Large-scale, government-encouraged as well as spontaneous migration of ethnic Kinh to the Central Highlands has diluted the indigenous culture there. It has also led to numerous land disputes between ethnic minority households and ethnic Kinh migrants. The perception of the loss of traditional ethnic minority lands to Kinh migrants was an important factor behind the ethnic unrest in 2001 (see Section 2.b.). There were numerous credible reports that groups of Montagnards continued to flee to Cambodia to escape ethnic and religious repression in the Central Highlands. Government officials continued to harass some highland minorities, particularly the Hmong in the northwest provinces and several ethnic groups in the Central Highlands, for practicing their religion without official approval (see Section 2.c.).

Government officials have stated that there were many instances in which local government officials in the Central Highlands acted contrary to stated national policies or failed to uphold national laws.

The Government continued to impose extra security measures in the Central Highlands (see Section 2.b.). There were unconfirmed reports of continued pushbacks of Montagnards seeking to cross into Cambodia, sometimes accompanied by beatings and detentions. However, the Government continued measures to address the causes of the unrest and began new measures as well. National government officials regularly visited the Central Highlands. The Government began a special program to allocate land to ethnic minorities in the Central Highlands.

Previously, all classroom instruction was required by law to be conducted in the Vietnamese language, but the Government continued a program to conduct classes in the local language up to grade five. The Government worked with local officials to develop a local language curriculum. The Government appeared to be implementing this program more comprehensively in the Central Highlands than in mountainous northern provinces. In 2001 the Government began broadcasting radio and television programming in the area in ethnic minority languages. The Government also told ethnic Kinh officials that they must learn the language of the locality in which they worked, although this did not yet appear to have had much effect by year's end. Provincial

governments implemented initiatives designed to increase employment, reduce the income gap between ethnic minorities and ethnic Kinh, and be sensitive and receptive to ethnic minority culture and traditions. Officials in Lam Dong Province reportedly hired ethnic minority persons to teach minority languages to ethnic Kinh police. Officials in Dak Lak Province reportedly experimented with a land policy that would allocate certain forestlands to ethnic minority villages for communal use.

Section 6 Worker Rights

a. The Right of Association

Workers are not free to join or form unions of their choosing. Trade unions are controlled by the Party and have only nominal independence. All unions must be approved by and must affiliate with the party-controlled Vietnam General Confederation of Labor (VGCL). The VGCL claimed that it represented 95 percent of public sector workers and 90 percent of workers in state-owned enterprises. However, the overall level of unionization of the workforce was 10 percent. Approximately 500,000 union members worked in the private sector, including enterprises with foreign investment. The vast majority of the work force lived in rural areas, engaged in small-scale farming, and was not unionized. The VGCL asserted that authorities did not prosecute some violations of the Labor Law. Union leaders influenced key decisions, such as the amendment of labor legislation, development of social safety nets, and the setting of health, safety, and minimum wage standards.

While the Labor Law states that all enterprise-level and professional trade unions are affiliated with the VGCL, in practice hundreds of unaffiliated "labor associations" were organized at many individual enterprises and in occupations such as those of taxi, motorcycle and cyclo drivers, cooks, and market porters. Foreign governments and international organizations, such as the ILO and other U.N. system organizations, provided technical assistance and training to the Ministry of Labor, Invalids, and Social Affairs (MOLISA), provincial labor departments, and the VGCL. Since 1995 MOLISA organized hundreds of training courses on the Labor Law for its staff and for managers of enterprises. The ILO and the U.N. Development Program cooperated on a large multiyear technical assistance program to strengthen Labor Law implementation.

Individual unions legally are not free to affiliate with, join, or participate in, international labor bodies, and they did not do so in practice. However, the VGCL had relations with 95 labor organizations in 70 countries, and the VGCL's president traveled internationally, including to industrialized countries, to discuss labor matters.

b. The Right to Organize and Bargain Collectively

Under the law, the provincial or metropolitan branch of the VGCL is charged with organizing a union within 6 months of establishment of any new enterprise with five or more employees, if workers have not already done so. Management is required by law to accept and to cooperate with those unions. The Labor Law provides VGCL-affiliated unions the right to bargain collectively on behalf of workers. In recent years, collective bargaining has become more important. Many contracts have been negotiated that ended the practice of annual renewal, and multiyear contracts have become more common despite initial resistance from foreign companies. In recent years, labor leaders have increased the number of workplace issues in collective bargaining agreements. Issues previously not covered in contracts, such as Sunday work, have been spelled out so that companies cannot order workers to work a seventh day. Since the country began moving away from central planning, market forces have played an increasingly important role in determining wages. The Labor Law prohibits anti-union discrimination on the part of employers against employees who seek to organize.

The Labor Law provides for the right to strike if workers follow the stipulated process of conciliation and arbitration. The law requires that management and labor first attempt to resolve labor disputes through the enterprise's own labor conciliation council. However, many enterprises did not have labor conciliation councils. In the absence of such a council or if a council fails to resolve a labor dispute, the dispute is referred to labor arbitration successively at the district and provincial level. Individual workers may take cases directly to the peoples' court system, but in most cases, only after conciliation has been attempted and failed. Unions have the right to appeal decisions of provincial labor arbitration councils to provincial people's courts or to strike. Because this process is lengthy and the necessary dispute resolution bodies in many provinces and localities have never been established, nearly every strike is considered illegal.

The local press reported at least 79 strikes during the year. Of these, 37 were against foreign-invested enterprises, 40 involved domestic private enterprises, and 2 affected state-owned firms. Other sources reported 14 strikes against state-owned firms. In 2001, 73 strikes occurred, an increase of three over the previous year. Foreign-invested enterprises experienced 40 incidences, domestic private enterprises were affected by 21 strikes, and state-owned firms experienced 12 strikes. Although strikes typically did not follow the authorized conciliation and arbitration process, and thus were of questionable legality, the Government tolerated them and took no action against the strikers. Although the VGCL or its affiliate unions did not sanction these strikes officially, the local and provincial levels of the VGCL unofficially supported many of them. The Labor Law prohibits retribution against strikers, and there were no reports of retribution. In some cases, the Government disciplined employers for illegal practices that led to strikes.

The Labor Law prohibits strikes in 54 occupational sectors and businesses that serve the public or are considered by the Government to be important to the national economy and defense. A subsequent decree defined these enterprises to be those involved in: electricity production; post and telecommunications; railway, maritime, and air transportation; banking; public works; and the oil and gas industry. The law also grants the Prime Minister the right to suspend a strike considered detrimental to the national economy or public safety.

The same labor laws as in the rest of the country govern the growing number of export processing zones and industrial zones. There is anecdotal evidence that the Government enforced labor laws more actively in the zones than outside them.

c. Prohibition of Forced or Bonded Labor

The Labor Law prohibits all forms of forced and bonded labor, including such labor by children; however, there were reports that thousands of children worked in exploitative situations (see Section 6.d.). Some women were coerced into prostitution (see Sections 5 and 6.f.). A study of child labor in HCMC found cases in which parents in poor families entered into "verbal agreements" with employers, who put their children to work; the children's salaries were sent directly to the parents.

The Government denied the use of prison labor without compensation; however, prisoners routinely were required to work for little or no pay. They produced food and other goods used directly in prisons or sold on local markets reportedly to purchase items for prisoners. Officials said that juveniles in Education and Nourishment Centers, which function much as reform schools or juvenile detention centers do elsewhere, were assigned work for "educational purposes" that does not generate income.

A government ordinance requires all adult citizens between 18 and 45 years of age for men and between 18 and 35 years of age for women to perform 10 days of annual public labor. However, the ordinance permits citizens to excuse themselves from this obligation by finding a substitute or paying a marginal fee. While some have alleged that such laborers were recruited to construct the Ho Chi Minh Highway, the Government issued a decree in October 2000 that gave the force of law to its existing policy that all labor on this project must be voluntary and paid.

Status of Child Labor Practices and Minimum Age for Employment

The Labor Law prohibits most child labor but allows exceptions for certain types of work. It sets the minimum age for employment at 18 years of age, but enterprises may hire children between the ages of 15 and 18 if the firm obtains special permission from their parents and the MOLISA. However, a widely-publicized 2001 MOLISA survey found that about 40,000 children between the ages of 8 and 14 years worked part-time or full-time in violation of the Labor law. That estimate may be low, since many more children worked in the informal sector, usually on family farms or family businesses not within the scope of the Labor Law.

By law an employer must ensure that workers under 18 years of age do not undertake hazardous work or work that would harm their physical or mental development. Prohibited occupations are specified in the Labor Law. The Labor Law permits children to register at trade training centers, a form of vocational training, from 13 years of age. Children may work a maximum of 7 hours per day and 42 hours per week and must receive special health care. Authorities did not have sufficient resources to ensure enforcement of child labor regulations. International donor assistance targeted the problem of child labor.

There were reports that enterprises, including companies with foreign investment, have discovered underage workers in their employ. According to reliable sources, this occurred when the child workers presented false identity documents, frequently borrowed from older family members. Once discovered the children lost their jobs, but in many cases the companies paid for their schooling and promised to reemploy them once they were of age.

In rural areas, children worked primarily on family farms and in other agricultural activities. In some cases they began work as young as 6 years of age and were expected to work as adults by the time they were 15 years of age. In urban areas, children also may work in family-owned small businesses. Migration from rural to urban settings has exacerbated the child labor problem.

Government officials have the power to fine and, in cases of Criminal Code violations, prosecute employers who violate child Labor Laws. While the Government committed insufficient resources to effectively enforce laws providing for children's labor safety, especially for children working in mines and as domestic servants, it detected some cases of child exploitation, removed the children from the exploitative situations, and fined the employers.

In June 2001, the Government tabled a National Plan of Action implementing ILO Convention 182 on worst forms of child labor, which it had ratified in November 2000. In addition, a child labor unit was established within MOLISA. The country also participated in an ILO project on child trafficking in the Mekong region.

The law prohibits forced and bonded labor by children; however, thousands of children worked in exploitative situations and were trafficked both domestically and internationally for the purpose of sexual exploitation (see Section 6.f.).

e. Acceptable Conditions of Work

The Labor Law requires the Government to set a minimum wage, which is adjusted for inflation and other economic changes. The official monthly minimum wage for foreign-investment joint ventures was \$45 (674,820 dong) in Hanoi and HCMC, and \$40 (599,840 dong) elsewhere. The Government can exempt temporarily certain joint ventures from paying the minimum wage

during the first months of an enterprise's operations or if the enterprise is located in a very remote area, but the minimum wage in these cases can be no lower than \$30 (449,880 dong). The official monthly minimum wage of \$12 (180,000 dong) outside the foreign-invested joint venture sector was inadequate to provide a worker and family with a decent standard of living. However, state-owned enterprises consistently paid more than that minimum. The number of workers who received government-subsidized housing was decreasing. However, many workers received bonuses and supplement incomes by engaging in entrepreneurial activities and households often included more than one wage earner. A 2001 ILO study found that minimum wage requirements were applied well in all sectors, with the exception of smaller private sector enterprises. However, there were a number of media reports citing incidences of violations of minimum wage requirements by companies with foreign investment.

The Government set the workweek for government employees and employees of companies in the state sector at 40 hours and encouraged the private business sector and foreign and international organizations that employed local workers to reduce the number of hours in the workweek to 40 hours, but did not make compliance mandatory.

The Labor Law sets normal working hours at a maximum of 8 hours per day, with a mandatory 24-hour break each week. Additional hours require overtime pay at 1 1/2 times the regular wage and 2 times the regular wage on holidays. The law limits compulsory overtime to 4 hours per week and 200 hours per year. The law also prescribes annual leave with full pay for various types of work. The ILO has pointed out that the limit of 200 hours a year of overtime work is too low, and that workers and employers should have the right to agree to a greater amount of overtime work. It is uncertain how well the Government enforced these provisions.

According to the law, a female employee who is to be married, is pregnant, is on maternity leave, or is raising a child under 1 year of age cannot be dismissed unless the enterprise is closed. Female employees who are at least 7 months pregnant or are raising a child under 1 year of age cannot work overtime, at night, or in distant locations.

The Labor Law requires the Government to promulgate rules and regulations that ensure worker safety. The MOLISA, in coordination with local people's committees and labor unions, is charged with enforcing the regulations. In practice enforcement was inadequate because of MOLISA's low funding and a shortage of trained enforcement personnel. The VGCL reported that there were 300 labor inspectors in the country but that at least 600 were needed. On-the-job injuries due to poor health and safety conditions in the workplace were a problem. There was evidence, however, that workers, through labor unions, were effective in improving working conditions. Some foreign companies with operations in the country have established independent monitoring of problems at their factories.

The Labor Code provides that workers may remove themselves from hazardous conditions without risking loss of employment. Companies report that MOLISA or provincial labor agencies perform labor and occupation safety and health inspections at enterprises when they learn of serious accidents or when there have been reports of hazardous conditions.

f. Trafficking in Persons

The Penal Code prohibits trafficking in women and children; however, trafficking in women and children for the purpose of sexual exploitation and for labor, both domestically and internationally, was a serious problem. While no law specifically prohibits trafficking in men, existing laws could be used to prosecute traffickers who recruit or send men abroad to work for "illegitimate profits" or illegal purposes. Incidents of trafficking of adult males domestically or abroad were rare. While reliable statistics on the numbers of citizens trafficked were not available, there was evidence that the numbers have grown in recent years, but may have leveled off over the past year. The Social Evils Department of MOLISA and the Criminal Police Department of the MPS were the main government agencies involved in efforts to combat trafficking. The police took an increasingly active role in investigating trafficking during the year.

The country was a source and transit point for trafficking in persons. Women were trafficked primarily to Cambodia and China for sexual exploitation and arranged marriages. According to one report, between 1990 and 2000, approximately 20,000 young women and girls were sent to China to become brides, domestic workers, or prostitutes; however, it was not clear how many were victims of trafficking (observers believe many, if not most, of these young women were voluntary migrants and, at least initially, not victims of trafficking). According to another local press report, at least 10,400 women and girls were trafficked to China in recent years. Between 1995 and 2000, approximately 5,000 women and children were trafficked to and escaped from Cambodia. Some Vietnamese women also were trafficked to Singapore, Hong Kong, Macau, Thailand, Taiwan, the United Kingdom, and the United States. There also were reports that some Vietnamese women going to Taiwan, Hong Kong, Macau, and China as "mail-order brides" were victims of trafficking. The Government estimated that approximately 10 percent of mail order brides had "problems" or may have become trafficking victims. There were reports that husband switching was one of the several methods used to entice potential trafficking victims. Beginning in March, government officials held a series of meetings to work out better procedures to handle repatriation of trafficking victims. Women and children also were trafficked within the country, usually from rural to urban areas. The country also was a transit point for trafficking. Typically, persons were trafficked from China or the Middle East to Australia, Europe, or Canada; however, this appears to have continued to decrease during the year.

Some children were trafficked domestically, and others were trafficked to foreign destinations for the purpose of prostitution. An NGO advocate estimated that the average age of trafficked girls was between 15 and 17 years of age. Some reports indicated that the ages of girls trafficked to Cambodia typically was even lower. Although statistics were not reliable, women and girls

were trafficked from southern delta and highland provinces to Cambodia and from northern provinces into China generally for the purposes of prostitution, domestic work, or marriage. The Vietnam Women's Union, with assistance from foreign donors and international organizations, was especially active in drawing attention to these problems and helping with education programs to warn vulnerable families of the dangers of deception by those who would lure young women and children into prostitution.

There were reports that some women from HCMC and the Mekong Delta who married men from Taiwan were forced into prostitution after their arrival in Taiwan. There was reported trafficking in women to the Macau Special Administrative Region of China with the assistance of organizations in China that were ostensibly marriage service bureaus, international labor organizations, and travel agencies. After arrival, women were forced into conditions similar to indentured servitude; some were forced into prostitution. In August the Government suspended the licenses of marriage mediation services and transferred their function to the Women's Union. The services helped arrange marriages between women and foreigners, primarily Taiwanese men. Between 60,000 and 70,000 women have married Taiwanese men in recent years, although observers believed that most were not trafficked.

Poor women and teenage girls, especially those from rural areas, were most at risk for being trafficked. It appears that most trafficking victims came from some Mekong Delta provinces such as An Giang and some northern provinces such as Quang Ninh. Some were sold by their families as domestic workers or for sexual exploitation. In some cases, traffickers paid families several hundred dollars (a large sum for many families) in exchange for allowing their daughter to go to Cambodia for an "employment offer." Many victims faced strong pressure to make significant contributions to the family income. Others were offered lucrative jobs by acquaintances. False advertising, debt bondage, confiscation of documents, and threats of deportation were other methods commonly used by the traffickers, spouses, and employers.

Individual opportunists and informal networks, as well as some organized groups, lured poor, often rural, women with promises of jobs or marriage and forced them to work as prostitutes (see Sections 5 and 6.c.). The Government stated that organized criminal groups, both domestic and international, were involved in recruitment, transit, and other trafficking-related activities.

Corruption was a serious problem at all levels, and some officials were involved in the flow of overseas workers into exploitative conditions or into trafficking. While it was likely that some individual officials assisted traffickers, there was no evidence of official, institutional, or government involvement in trafficking in persons. Some government officials and associated private individuals were convicted of and sentenced for trafficking related crimes during the year.

There were allegations supported by evidence that state-owned labor supply companies trafficked workers, primarily women and girls, to American Samoa, where they were employed by a Korean-owned garment manufacturer, Daewoosa. At year's end, a Korean garment factory owner and his associates were being prosecuted abroad for using sweatshop labor performed by a captive workforce of imported Vietnamese (and other) workers. The Vietnamese workers had entered into contracts with two state owned labor supply services in the country. Reports alleged that these workers were subjected to involuntary servitude, debt bondage, mistreatment, threats, and abuse although no Vietnamese companies or officials were among the defendants in the criminal case. As a result of this case, the Government initiated a widely publicized review of the operations and finances of licensed labor supply companies, which resulted in the temporary or permanent suspension of the operating licenses of the two state-owned enterprises that supplied labor to Daewoosa. The Government brought charges against and convicted an official from one of those enterprises in relation to the Daewoosa case.

During the year, the Government increased its efforts to prosecute traffickers. The law provides for prison sentences of 2 to 20 years for persons found guilty of trafficking women, and for 3 year to life prison sentences for persons found guilty of trafficking children. On July 10, a government decree was issued forbidding the use of marriage and adoption for trafficking related purposes. A number of traffickers have been convicted and imprisoned. The Government worked with international NGOs to supplement law enforcement measures and cooperated with other national governments to prevent trafficking. It also cooperated closely with countries within the framework of INTERPOL and its Asian counterpart.

Official institutions including MOLISA, the Women's Union, the Youth Union and the Committee for Population, Family and Children had active programs in place aimed at prevention and victims' protection. These programs included publicity to warn women and girls of these dangers, repatriation programs to help female returnees, and vocational training for teenage girls in communities considered vulnerable to trafficking in persons. Government agencies worked closely with the International Organization for Migration (IOM) and a number of international NGOs to provide temporary shelter, some medical services, education, credit, counseling, and rehabilitation to returned trafficking victims. In March government officials held a series of meetings with Chinese counterparts to improve victim protection and repatriation processes. Although voluntary commercial sex workers were subject to criminal sanctions, the Government sought to assist trafficking victims. Trafficking victims in general were not treated as criminals, but some women trafficked into prostitution were prosecuted for prostitution.

Government agencies worked with international NGOs on mass media campaigns, community outreach visits, distribution of leaflets, and vocational training in their efforts to prevent trafficking.